

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER CANADA,	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-14-1360-HE
	)	
STATE OF OKLAHOMA,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner Christopher Canada, a state prisoner appearing *pro se*, filed a petition seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred to Magistrate Judge Shon T. Erwin for initial proceedings. He has recommended that petitioner's application seeking leave to proceed *in forma pauperis* be denied and that, unless he pays the \$5.00 filing fee within twenty days of this order, that the action be dismissed without prejudice. The magistrate judge also recommends that four motions petitioner filed asking that his state convictions be vacated – the same relief he seeks in his habeas petition – be denied. Instead of responding to the Report and Recommendation, petitioner again, repeatedly, filed motions asking that his state convictions be set aside.

The court concurs with the magistrate judge's reasoning and adopts his Report and Recommendation. Unless petitioner pays the \$5.00 filing fee by **Monday, February 16, 2015**, this action will be dismissed without prejudice.<sup>1</sup> Petitioner's application for leave to


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<sup>1</sup>*Petitioner states in his ifp application that he has \$320.00 in cash.*

proceed *in forma pauperis* [Doc. #10] and his motions to vacate [Doc. Nos. 2, 6, 8, 9, 14, 15, 16, 17, 18, 19 and 20] are **DENIED**.

**IT IS SO ORDERED.**

Dated this 30th day of January, 2015.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE